

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/25/19

UNITED STATES OF AMERICA

- v. -

ALEXANDRU BURDUCEA,

Defendant.

x

:

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

:

18 Cr. 217 (KMW)

x

WHEREAS, on or about March 15, 2018, ALEXANDRU BURDUCEA (the “defendant”), was charged in an eight-count Indictment, 18 Cr. 217 (KMW) (the “Indictment”), with participating in a conspiracy to violate the Anti-Kickback Statute, in violation of Title 18, United States Code, Section 371 (Count One); violating the Anti-Kickback Statute, in violation of Title 18, United States Code, Section 2 and Title 42, United States Code, Section 1320a-7b(b)(1)(B) (Count Two); conspiracy to commit Honest Services wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); willfully and knowingly making false statements to the Government, in violation of Title 18, United States Code, Section 1001(a) (Count Five); and disclosing individually identifiable health information relating to another person, in violation of Title 18, United States Code, Section 2 and Title 42, United States Code, Sections 1320d-6(a)(3) and 1320d-6(b)(1) (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the alleged offenses in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of alleged offenses in Counts One and Two of the Indictment that the defendant personally obtained;

WHEREAS, on or about February 14, 2019, the defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 928(a)(7), a sum of money equal to \$68,400 in United States currency, representing proceeds traceable to the commission of the offense alleged in Count One of the Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$68,400 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, David M. Abramowicz of counsel, and the defendant, and his counsel, Richard Levitt, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$68,400 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ALEXANDRU BURDUCEA, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

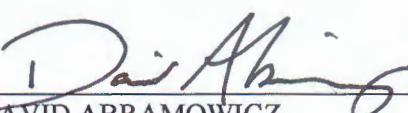
8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:


DAVID ABRAMOWICZ

Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-6525

2/14/19
DATE

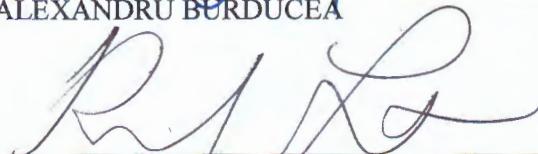
ALEXANDRU BURDUCEA

By:


ALEXANDRU BURDUCEA

2/14/19
DATE

By:


RICHARD LEVITT, ESQ.
Attorney for Defendant
40 Fulton Street, Fl. 23
New York, NY 10038
(212) 480-4000

2/14/19
DATE

SO ORDERED: 2-25-19


HONORABLE KIMBA M. WOOD

UNITED STATES DISTRICT JUDGE

DATE